



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: M. CHORBAJI
B. SCHINDLY, et al.)	
Serial No.: 09/314,497)	Art Unit: 1744
Filed: May 19, 1999)	Conf. No: 5279
For: FLOW THROUGH CHEMICAL)	
INDICATOR FOR)	
MEASUREMENT)	
OF ACTIVE BIOCIDAL)	
AGENTS)	
Date of Last Office Action:)	
September 8, 2003)	
Attorney Docket No.:)	Cleveland, OH 44114
MEDZ 2 01012)	April 26, 2004

COMMENTS ON STATEMENT OF
REASONS FOR ALLOWANCE

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

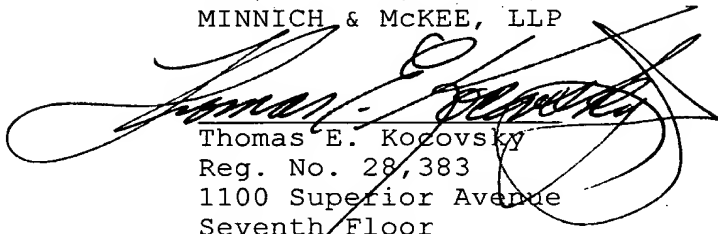
The applicants do not agree that there is a obviousness-type double-patenting situation with U.S. Patent No. 5,997,814. To the contrary, the applicants assert that the claims of the present application are patentably distinct from the '814 patent for the reasons previously set forth in the file.

The applicants have complied with the Examiner's request for a Terminal Disclaimer to expedite an early allowance of this application. The period of the present application which has been lost through a Terminal Disclaimer is believed to be comparable with the duration which would be required for an Oral Hearing to be scheduled and conducted, and for the Appeal to be decided on the merits. Moreover, if the Board chose to remand for any reason, the delay in the present application issuing might be extended significantly longer,

i.e., the term of the present patent would be shortened significantly.

Respectfully Submitted,

FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP



Thomas E. Kozovsky
Reg. No. 28,383
1100 Superior Avenue
Seventh Floor
Cleveland, Ohio 44114-2518
(216) 861-5582

CERTIFICATE OF MAILING

I hereby certify that this **COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE** in connection with U.S. Patent Application Serial No. 09/314,497 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 26th day of April, 2004.

By: Hilary McNulty